

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

**JUSTIN COLLINS, Individually and for  
Others Similarly Situated**

**v.**

**ARCH RESOURCES, INC.**

**Case No. 5:24-cv-00628**

**Jury Trial Demanded**

**FLSA Collective Action**

**JOINT MOTION TO STAY, TOLL, AND MEDIATE**

Pursuant to Federal Rule of Civil Procedure 1 and the Court's equitable power to control its docket, Plaintiff Justin Collins (Collins) and Defendant Arch Resources, Inc. (Arch) (Collins and Arch are collectively referred to herein as the "Parties"), jointly move to stay this case and all pending deadlines for a period of 60 days to allow the Parties adequate time to engage in settlement negotiations and attend mediation to resolve this case.

1. This is a collective action lawsuit under 29 U.S.C. § 216(b) of the Fair Labor Standards Act (FLSA). Arch denies that any violation of the FLSA occurred and contests that any collective is appropriate in this case.

2. The Parties have conferred and agreed to engage in mediation to determine whether the claims can be resolved without the need for expensive and protracted litigation. To facilitate a productive mediation, Arch agrees to obtain pay records, and time sheets for the Putative Class Members (as defined in Doc. 1) who are working or worked for Arch at its Leer, Leer South, Beckley, Mountain Laurel, and West Elk sites. The Parties agree this data will be provided to Class Counsel in an Excel usable format, to the extent possible, by May 31, 2025.

3. The Parties will be in a position to hold substantive discussions regarding settlement and attend mediation with Dennis Clifford on June 25, 2025.

4. The Parties' proposed stay of this case and all case deadlines will conserve the Parties' resources and serve judicial economy while they work towards a potential resolution of this matter. *See* FED. R. CIV. P. 1 (indicating the rules "should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding").

5. The Parties agree to toll the statute of limitations for any FLSA claims for the Putative Class worked for Arch at its Leer, Leer South, Beckley, Mountain Laurel, and West Elk sites from April 9, 2025, for 75 days or until one or both parties request that the stay be lifted to permit litigation to resume.

6. Allowing a stay of litigation would permit the parties to focus on mediation and the exchange of information to facilitate good faith settlement negotiations without the time and cost expenditures, as well as the distraction, of potential motions practice in the absence of a stay.

7. If the Parties are unable to resolve this matter prior to the end of the requested 60 day stay period, or if one or both Parties request that the stay be lifted to permit litigation to resume, they will notify the Court of this fact within 10 days of the end of the stay and will provide the Court with a revised proposed Scheduling Order to govern the remainder of this case within 10 days of the end of the stay.

WHEREFORE, the Parties respectfully ask the Court to Grant their Joint Motion, toll the statute of limitations for the Putative Class Members as identified above and stay this case and all pending deadlines for a period of 60 days to allow the Parties to conduct settlement discussions and attend mediation(s).

**POWELL & MAJESTRO PLLC**

By: /s/ Anthony J. Majestro  
Anthony J. Majestro (WVSB 5165)  
Graham B. Platz (WVSB 140993)  
405 Capitol Street, Suite 807  
Charleston, West Virginia 25301  
Phone: (304) 346-2889  
Fax: (304) 346-2895  
amajestro@powellmajestro.com  
gplatz@powellmajestro.com

Michael A. Josephson  
Richard M. Schreiber  
JOSEPHSON DUNLAP  
11 Greenway Plaza, Suite 3050  
Houston, Texas 77046  
(713) 352-1100

Richard (Rex) J. Burch  
BRUCKNER BURCH, PLLC  
8 Greenway Plaza, Suite 1500  
Houston, Texas 77046  
(713) 877-8788

**Attorneys for Plaintiff and  
the Putative Class Members**

**STEPTOE & JOHNSON PLLC**

/s/ Michael J. Moore  
Michael J. Moore (WVSB # 12009)  
400 White Oaks Boulevard  
Bridgeport, WV 26330  
Phone: (304) 933-8153  
Fax: (304) 933-8183  
[Michael.Moore@Steptoe-Johnson.com](mailto:Michael.Moore@Steptoe-Johnson.com)

Scott D. Meyers (Pro hac vice)  
Cooper R. Page (Pro hac vice)  
Owen David (Pro hac vice)  
HUSCH BLACKWELL LLP  
8001 Forsyth Boulevard, Suite 1500  
St. Louis, MO 63105  
Phone: (314) 480-1500  
Fax: (314) 480-1505  
[Scott.meyers@huschblackwell.com](mailto:Scott.meyers@huschblackwell.com)  
[Cooper.page@huschblackwell.com](mailto:Cooper.page@huschblackwell.com)  
[Owen.davis@huschblackwell.com](mailto:Owen.davis@huschblackwell.com)

**Attorneys for Defendant**

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by ECF electronic filing on all known parties on this the 22<sup>nd</sup> day of May 2025.

*s/ Anthony J. Majestro*

Anthony J. Majestro (WVSB 5165)